JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

| | | CT OFFI UMBER: | | ESWG-PE | E-RCC | | |
|-----|----------------------------------|---|--|---|--|---|--|
| PR | Stat Cou Cen App Nan | e: inty: ter coordi oroximate | Texas Came: nates or size of est wate | ron f site (latit area (parc erway: La | MATION: tude/longitu tel) reviewe guna Madr na Madre | d, includir | 26-04-34/97-09-58 ng uplands: 0.022 acres. |
| JUI | | ICTIONA | | op determ | | \boxtimes | Date: 2 December 2004 Date(s): 17 November 2004 |
| | Jur | isdictiona | l Deter | mination | (JD): | | |
| | | United S | tates" a | · Based or nd/or "na FR part 3 | vigable wat | information ters of the | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| | \boxtimes | Approve Check al | d JD – . I that ap | An approv | ved JD is an | n appealabl | e action (Reference 33 CFR part 331). |
| | | ☐ There the revie | e are "n wed are | avigable v a. Appro | waters of th ximate size | e United S of jurisdic | states" (as defined by 33 CFR part 329 and associated guidance) within a stional area: 0.02 acres. |
| | | There reviewed | are "w area. | aters of the Approxim | he United S ate size of | States" (as jurisdiction | defined by 33 CFR part 328 and associated guidance) within the nal area: |
| | | There | are "i. | Decisi | | | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| BAS | A. | Waters of The prese | defined ence of | under 33 waters tha | at are subje | t 329 as "n ct to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| | B. | (1) The printerstate (2) The properties (3) The properties and flats destruction (3) the properties (4) the printers (4) the | or fore or fore resence resence wetlan | of waters ign comm of interst of other ds, slough nich could | s, which are nerce, inclu tate waters waters such hs, prairie p d affect inte | e currently ding all wa including i as intrasta ootholes, we erstate com | used, or were used in the past, or may be susceptible to use in sters which are subject to the ebb and flow of the tide. Interstate wetlands ¹ . In the lakes, rivers, streams (including intermittent streams), mudflats, set meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Dock is in tidal waters of Laguna Madre.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

2 FILE NUMBER: I-4985 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 & 2022 DOQQ Other photographs (Date):

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC

| FILE N | UMBER: | D-16782 | | | | | | |
|-----------------------------|--|---|----------------------------|---|--|--|--|--|
| Sta Co Ce Ap Na | ite: unty: nter coordi proximate | ATION INFORMATION: TX Cameron inates of site (latitude/longitud size of area (parcel) reviewed rest waterway: Laguna Madre ershed: Laguna Madre | | 26-07-51/97-10-18 g uplands: 0.62 acres. | | | | |
| | | AL DETERMINATION Desktop determination Site visit(s) | \boxtimes | Date: 3 November 2004 Date(s): 8 May 2001 | | | | |
| Ju | risdictiona | al Determination (JD): | | | | | | |
| | United S | | | there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable | | | | |
| × | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: | | | | | | | |
| | | e are "navigable waters of the wed area. Approximate size of | | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: | | | | |
| | ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7006 sq. ft | | | | | | | |
| | There | | | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No | | | | |
| Α. | Waters The pres | ence of waters that are subject | 329 as "na t to the ebb | avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. | | | | |
| В. | Waters | defined under 33 CFR part | 328.3(a) a | s "waters of the United States": | | | | |

| D. | waters defined under 35 CFK part 326.5(a) as waters of the United States: |
|-----|--|
| | (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in |
| | interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. |
| 79 | (2) The presence of interstate waters including interstate wetlands ¹ . |
| 33 | (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, |
| | sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or |
| | destruction of which could affect interstate commerce including any such waters (check all that apply): |
| | (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. |
| | (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. |
| | (iii) which are or could be used for industrial purposes by industries in interstate commerce. |
| 4.5 | (4) Impoundments of waters otherwise defined as waters of the US. |
| ×. | (5) The presence of a tributary to a water identified in $(1) - (4)$ above. |
| | (6) The presence of territorial seas |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Saltwater coastal flat wetlands adjacent to Laguna Madre.

 \square (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

| La 璺 | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-------------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| \boxtimes | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Martin, Brown & Perez dated 2/19/03. |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA F | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16771

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lat | Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: the presence of litter and debris high Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Eat | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Other (explain): EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: La Blanca U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: Hidalgo National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Hidalgo County Panel 480334 0450C June 6, 2000 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16753

| · · · · | C. IDEII. | D 10733 | | | | |
|-----------------------------|--|--|--|--|--|--|
| Sta Co Ce Ap Na | ite: unty: nter coordi proximate | Texas Nueces nates of sit size of are est waterw | FORMATION te (latitude/long a (parcel) revie ay: Laguna M Laguna Madro | gitude wed, adre | | 27-36-45.2320 97-17-50.1391 uplands: approximately 0.1 acres. |
| | | | RMINATION determination (s) | ſ | × | Date: 30 November 2004 Date(s): |
| T | riediationa | l Dotormi | nation (ID). | | | |
| Ju ⊠ | Prelimina United S | ary JD - Batates" and | | | | ☐ there appear to be (or) ☑ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable |
| | | d JD – An l that apply | | s an a | ppealable | action (Reference 33 CFR part 331). |
| | | | gable waters o Approximate s | | | ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: |
| | | | ers of the Unite proximate size | | | efined by 33 CFR part 328 and associated guidance) within the all area: |
| | There | e are "isolo | | | | te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No |
| | Waters of | defined un ence of wa | ters that are su | art 3: bject | 29 as "na to the ebb | vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce. |
| B. :: | (1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The p | oresence of or foreign oresence of oresence of , wetlands, on of which which are of from which which are undments | waters, which commerce, in interstate waters in other waters is, sloughs, prair h could affect in could be used in fish or shellfi or could be used waters other | are c cludirers incuch a ie pot intersift by ir sh are ed for wise | urrently ung all water cluding in sintrastat holes, we tate commeterstate of cor could industrial defined as | sed, or were used in the past, or may be susceptible to use in the sets which are subject to the ebb and flow of the tide. terstate wetlands. The lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or there including any such waters (check all that apply): The foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. The waters of the US. The waters of the US. |
| | (6) The p | resence of | territorial seas | S. | | vaters of the US, except for those wetlands adjacent to other wetlands. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-16753 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pita Island U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Nueces National wetlands inventory maps: Pita Island

FEMA/FIRM maps (Map Name & Date): Nueces County Panel 485464 0356C July 18, 1985

(NGVD)

State/Local wetland inventory maps:

100-year Floodplain Elevation is:

Other photographs (Date):

Applicable/supporting case law:
Other information (please specify):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on: 7 October 2004

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: D-16663 PROJECT LOCATION INFORMATION: State: Texas County: Cameron Center coordinates of site (latitude/longitude): 27 49 42.1516; 97 04 51.7000 Approximate size of area (parcel) reviewed, including uplands: 0.001 acre. Name of nearest waterway: Corpus Christi Ship Channel Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination \boxtimes Date: 8 December 2004 Site visit(s) 23 Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.003 acre. ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal connection to Corpus Christi Ship Channel.

| La | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------|--|
| Ø | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA F | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16733

| PROJE | ECT LOCA | ATION IN | FORMATION: | | |
|-------------|----------------------|----------------------------------|--|-----------------------------|---|
| | ate: | Texas | | | |
| | ounty: | Hidalgo | | | |
| | | | te (latitude/longitud | | N26° 08' 41" 98° 13' 24" |
| Ap | proximate | size of are | a (parcel) reviewed | , including | g uplands: acres. |
| | | | /ay: Rio Grande | | |
| Na | ime of wate | ershed: | | | |
| HIDIS | DICTION | AL DETE | RMINATION | | |
| | | | determination | \boxtimes | Date: 12/8/04 |
| | pieteu. | Site visit | | | |
| | | SHE VISIL | (8) | L | Date(s): |
| Ju | risdictiona | ıl Determi | nation (JD): | | |
| \boxtimes | Prelimin United S | ary JD - B | ased on available ir /or "navigable wate | formation | , there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable |
| | (Referen | ce 33 CFR | R part 331). | | |
| | Approve | d JD – An | approved JD is an | appealable | action (Reference 33 CFR part 331). |
| | Check al | I that appl | y: | | |
| | ☐ There | e are "navi | igable waters of the | United Sta | ates" (as defined by 33 CFR part 329 and associated guidance) within |
| | the revie | wed area. | Approximate size | of jurisdict | ional area: |
| | There reviewed | e <i>are</i> "wate l area. Ap | ers of the United Sta proximate size of ju | ates" (as d | lefined by 33 CFR part 328 and associated guidance) within the al area: |
| | There | e are "isol | ated, non-navigable Decision supported Jurisdiction. | e, intra-sta d by SWA | te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| RASIS | OF HIRIS | DICTION | NAL DETERMINA | ATION: | |
| | | | | | vigable waters of the United States": |
| ₫.c. | The pres | ence of wa | ters that are subject | to the ebb | and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce. |
| В. | Waters | defined ur | ider 33 CFR part 3 | 328.3(a) as | s "waters of the United States": |
| | (1) The p | resence of | f waters, which are | currently u | ised, or were used in the past, or may be susceptible to use in |
| - | interstate | or foreign | n commerce, includ | ing all wat | ers which are subject to the ebb and flow of the tide. |
| 02 N3 | | | f interstate waters in | | |
| تا | (-) r | resence of wetlands | other waters such | as intrastat itholes, we | e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or |
| | destructi | on of which | h could affect inter | state comm | nerce including any such waters (check all that apply): |
| | | vhich are o | r could be used by | interstate o | or foreign travelers for recreational or other purposes. |
| | | from which | n fish or shellfish ar | e or could | be taken and sold in interstate or foreign commerce. |
| | | | | | I purposes by industries in interstate commerce. |
| | | | of waters otherwise | | |
| | (5) The p | resence of | f a tributary to a wa | | ed in (1) – (4) above. |
| | (6) The p | resence of | f territorial seas. | | |
| | (7) The p | resence of | f wetlands adjacent ² | to other w | vaters of the US, except for those wetlands adjacent to other wetlands. |
| | | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lat | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: aerial & ground photography |
|----------|---|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| a | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pharr U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21669(01)

| PR | O | П | Ŧ.C | T | L | n | C | A | T | ľ | O | 1 | J | 11 | vi | 7(| 7 | R | .N | 4 | A | TI | O | N: | • |
|----|---|---|-----|---|---|---|---|---|---|---|---|---|---|----|----|----|---|---|----|---|---|----|---|----|---|
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State: County:

Texas Brazoria

Center coordinates of site (latitude/longitude):

UTM 15 289030E 3214452N Christmas Point Quad

Approximate size of area (parcel) reviewed, including uplands: 108.10 acres.

Name of nearest waterway: Drum Bay, Gulf of Mexico Name of watershed: Brum Bay, Gulf of Mexico

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-22-04

Date(s):

Jurisdictional Determination (JD):

| 蘇 | Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the |
|---|---|
| - | United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| | (Reference 33 CFR part 331). |

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located on Drum Bay.

FILE NUMBER: 21669(01)

| eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: Plans |
|--|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |
| |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-04-13-020

| 1 | PE | n | IF | CT | T. | റ് | ٨ | TI | a | N | IN | JF | O | R | vr. | Δ | TI | n | N | • |
|---|----|---|----|----|----|--------|---|----|---|----|----|----|------------|---|-----|----|----|---|----|---|
| ł | ГК | | | | | L JL . | н | | v | 14 | | 11 | \ / | N | VI. | ٠. | | | 17 | |

State:

Texas

County: Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.26.35 Long: 95.04.49

Approximate size of area (parcel) reviewed, including uplands: 0.029 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed: West Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 10 December 2004

Site visit(s) \square Date(s):

Jurisdictional Determination (JD):

| | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the |
|---|---|
| , | United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| | (Reference 33 CFR part 331). |

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.029.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for De

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-04-13-020

| Lat E | Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris Changes in the character of soil Changes in the character of soil Shelving Other: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| DATA I | Cother (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): 6 December 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 21136(02)

| PR | OIE | CT | LOC | `A T | TON | INFO | DRMA | TION: |
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State: Texas County: Harris

Center coordinates of site (latitude/longitude):

Lat: 29.44.52 Long: 95.10.43

Approximate size of area (parcel) reviewed, including uplands: 10 acres. Name of nearest waterway: Buffalo Bayou - Houston Ship Channel

Name of watershed: Buffalo Bayou

JURISDICTIONAL DETERMINATION

| Completed: | Desktop determination | \boxtimes | Date: 24 Nov 0 | | |
|------------|-----------------------|-------------|----------------|--|--|
| | Site visit(s) | n | Date(s): | | |

Jurisdictional Determination (JD):

| Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to |
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| United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| (Reference 33 CFR part 331). |

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 21136(02) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23620

| FILE N | UMBER: 23620 |
|---|--|
| Stat Cou Cen App Nar Nar | CT LOCATION INFORMATION: te: Texas and Louisiana unty: Jefferson, Newton, Orange Counties and Calcasieu Parish ter coordinates of site (latitude/longitude): 29° 45' 29"N, 93° 54' 55"W (NAD27) broximate size of area (parcel) reviewed, including uplands: 1422 acres. the of nearest waterway: Sabine Pass and Sabine Lake the of watershed: Sabine Lake and Lower Sabine CICTIONAL DETERMINATION |
| Coi | npleted: Desktop determination Date: 08 December 2004 Site visit(s) Date(s): |
| Jur | isdictional Determination (JD): |
| | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| × | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| A. | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is a large project impacting navigable waters of the United States along Sabine Pass, as well as impacting both tidal and non-tidal tributaries and their adjacent wetlands.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

| La ⊠ | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: Applicant supplied information 23620 High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: Applicant supplied information |
|----------|--|
| M | Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| M | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Benchmark Ecological Services, Inc. |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| <u> </u> | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. The wetland delineation report submitted on behalf of the applicant has not been verified by the Corps. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 1.5 Minute Topographic maps: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the likeare also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-16785

| Sta Cor Cer App Nar | CT LOCATION INFORMATION: te: Texas unty: Harris nter coordinates of site (latitude/longitude): 29° 51' 06"N, 95° 17' 20"W (NAD27) proximate size of area (parcel) reviewed, including uplands: |
|---------------------------------|--|
| | DICTIONAL DETERMINATION mpleted: Desktop determination |
| Jur | risdictional Determination (JD): |
| | Preliminary JD - Based on available information, \square there appear to be (or) \boxtimes there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| A. | DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| B. | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands!. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. |
| | ionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). There is no fill placed ow the ordinary high water mark of Halls Bayou. |

| | Asteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Applicant supplied plans. D-16785 High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Day Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-12875(02)

| | _ | | | | | | | | |
|---|-------------|-----------------------|-------------------------------|---|--------------------|-------------------------------|--|--|--|
| PR | | | | FORMATIO | N: | | | | |
| | | ite: | Texas | | | | | | |
| | | unty: | Galvesto | | | | | | |
| Center coordinates of site (latitude/longitude): Lat: 29.31.12 Long: 95.05.22 | | | | | | | | | |
| Approximate size of area (parcel) reviewed, including uplands: 1.89 acres. | | | | | | | | | |
| Name of nearest waterway: Clear Creek | | | | | | | | | |
| | Na | me of wate | rshed: | West Galvesto | on Ba | y | | | |
| TTT | DICT | NOTIONA | T DECE | DRAIN A TOTAL | | | | | |
| JUI | | | | RMINATION | | - | | | |
| | Co | mpieteu: | | determination | | \boxtimes | Date: 6 December 2004 | | |
| | | | Site visit | (s) | | | Date(s): | | |
| | Jur | isdictional | l Determi | nation (JD): | | | | | |
| | П | Prelimina | ry ID - R | ased on availab | la inf | armatian | | | |
| | | United St | ates" and/ | or "navigable v part 331). | vaters | ormation, s of the Ur | ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable | | |
| | \boxtimes | Approved Check all | l JD – An that apply | approved JD is | an ap | pealable | action (Reference 33 CFR part 331). | | |
| | | There the review | <i>are</i> "navi ved area. | gable waters of Approximate si | the Uize of | Inited Stati | tes" (as defined by 33 CFR part 329 and associated guidance) within onal area: | | |
| | | There reviewed | <i>are</i> "wate area. App | rs of the United proximate size of | d State of juri | es" (as de sdictional | efined by 33 CFR part 328 and associated guidance) within the area: | | |
| | | There | | nted, non-naviga Decision suppo Jurisdiction. | able, orted | <i>intra-state</i> by SWAN | waters or wetlands" within the reviewed area. ICC/Migratory Bird Rule Information Sheet for Determination of No | | |
| RAS | is o | E HIDIST | NCTION | AL DETERM | TRIAT | rian. | | | |
| DAG | A C | Waters de | ofinad un | der 33 CED na | HINA. | 1 IUN: 0 oo "=== | igable waters of the United States": | | |
| | | The preser | ce of wat | ers that are sub | iest t | y as "nav | and flow of the tide and/or are presently used, or have been used in | | |
| | | the past, o | r may be | susceptible for | use <u>to</u> | transport | interstate or foreign commerce. | | |
| | B. | Waters de | efined un | der 33 CFR pa | rt 32 | 8.3(a) as | "waters of the United States": | | |
| | | (1) The pro | esence of | waters, which a | are cu | rrently us | ed, or were used in the past, or may be susceptible to use in | | |
| | | interstate of | or foreign | commerce, inc | luding | g all water | rs which are subject to the ebb and flow of the tide. | | |
| | | (2) The pro | esence of | interstate water | s incl | uding inte | erstate wetlands ¹ . | | |
| | | (3) The pro | esence of | other waters su | ch as | intrastate | lakes, rivers, streams (including intermittent streams), mudflats, | | |
| | | sandflats, v | wetlands, | sloughs, prairie | poth: | oles, wet | meadows, playa lakes, or natural ponds, the use, degradation or | | |
| | | destruction | n of which | could affect in | tersta | ite comme | rce including any such waters (check all that apply): | | |
| | | (i) wh | ich are or | could be used | by int | erstate or | foreign travelers for recreational or other purposes | | |
| | | (ii) fro | om which | fish or shellfish | h are | or could b | e taken and sold in interstate or foreign commerce | | |
| | | [] (iii) w | hich are c | or could be used | l for i | ndustrial 1 | purposes by industries in interstate commerce | | |
| | | (4) Impour | ndments o | f waters otherw | ise d | efined as v | waters of the US. | | |
| | | (5) The pre | esence of | a tributary to a | water | identified | l in (1) – (4) above. | | |
| | Ц | (6) The pre | esence of | territorial seas. | 2 | | | | |
| | \boxtimes | (7) The pre | esence of | wetlands adjace | ent² to | other wa | ters of the US, except for those wetlands adjacent to other wetlands. | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-12875(02) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for \Box the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: League City: 1983, 1943 U.S. Geological Survey 7.5 Minute Historic quadrangles: League City: 1916/1929 U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Legue City State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date): 1983

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

| FILE N | UMBER: 21689(02) |
|----------------------------------|--|
| Stat Cou Cen App Nar | CT LOCATION INFORMATION: e: Texas unty: Offshore ter coordinates of site (latitude/longitude): UTM Zone 15; 284511 E; 3177110 N proximate size of area (parcel) reviewed, including uplands: acres. the of nearest waterway: Gulf of Mexico the of watershed: |
| | PICTIONAL DETERMINATION Inpleted: Desktop determination |
| Jur | isdictional Determination (JD): |
| | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| A. | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| B. | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

2 **FILE NUMBER:** 21689(02) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 320(a), 2, 4. Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: Freeport, Texas U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

^IWetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23593

| PRO | JECT I | OCA | TION | INFORM | ATION. |
|-----|--------|-----|------|--------|--------|
| | | | | | |

State:

Texas

County: Calhoun
Center coordinates of site (latitude/longitude):

28° 25' 52" N, 96° 26" 12" W

Approximate size of area (parcel) reviewed, including uplands: 2.54 acres.

Name of nearest waterway: Gulf Intracoastal Waterway

Name of watershed: Huc Code: 12100403, East San Antonio Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

V IS

Date: 3 December 2004

Date(s):

Jurisdictional Determination (JD):

Site visit(s)

| 23 | Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the |
|----|---|
| | United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| | (Reference 33 CFR part 331). |

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.0543 Acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3056 Acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: This property contains wetlands that are contiguous and therby adjacent to the Gulf Intracoastal Waterway (GIWW). The GIWW is subject to the ebb and flow of the tide and is a navigable water of the United States.

FILE NUMBER: 23593

| <u>Lat</u> | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) |
|------------|---|
| | Ordinary High Water Mark indicated by: High Tide Line indicated by: |
| | clear, natural line impressed on the bank oil or scum line along shore objects |
| | the presence of litter and debris fine shell or debris deposits (foreshore) |
| | changes in the character of soil physical markings/characteristics |
| | destruction of terrestrial vegetation tidal gages |
| | ☐ shelving ☐ other: |
| | U other. |
| | Mean High Water Mark indicated by: |
| Alemana. | survey to available datum; physical markings; vegetation lines/changes in vegetation types. |
| ******* | |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: |
| <u></u> | The reviewed area consists entirely of uplands. |
| 100 | Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). |
| | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). |
| | The Corps has made a case-specific determination that the following waters present on the site are not Waters of the |
| | United States: Waste treatment systems, including treatment ponds or largoons, pursuant to 33 CFP part 328 3 |
| | Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. |
| | Artificial lakes and ponds created by excavating and/or diking dry land to collect and |
| | retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or |
| | rice growing. |
| | Artificial reflecting or swimming pools or other small ornamental bodies of water created |
| | by excavating and/or diking dry land to retain water for primarily aesthetic reasons. |
| | Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for |
| | the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is |
| | abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). |
| | Isolated, intrastate wetland with no nexus to interstate commerce. |
| | Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Other (explain): |
| | |
| DATA R | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): |
| 21 | Maps, plans, plots or plat submitted by or on behalf of the applicant. |
| | Data sheets prepared/submitted by or on behalf of the applicant. |
| | This office concurs with the delineation report, dated , prepared by (company): |
| 30000 | This office does not concur with the delineation report, dated , prepared by (company): |
| | Data sheets prepared by the Corps. |
| | Corps' navigable waters' studies: |
| 25 | U.S. Geological Survey Hydrologic Atlas: |
| | U.S. Geological Survey 7.5 Minute Topographic maps: Port O'Connor Quadrangle |
| 76.3 Pr | U.S. Geological Survey 7.5 Minute Historic quadrangles: |
| <u> </u> | U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: |
| | National wetlands inventory maps: |
| *** | State/Local wetland inventory maps: |
| Q | FEMA/FIRM maps (Map Name & Date): |
| | 100-year Floodplain Elevation is: (NGVD) |
| ŝ | Aerial Photographs (Name & Date): |
| <u>ar</u> | Other photographs (Date): |
| | Advanced Identification Wetland maps: |
| | Site visit/determination conducted on: |
| | Applicable/supporting case law: |
| | Other information (please specify): DA Permit Application 23038 |
| | |

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

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¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

| FIL | E NU | e : | | CESWG D-16401 FORMATIO | ON: | | | | | | |
|-----|-------------|--|--|--|--|--|---|--|---|---|---------|
| | Appr Nam | ter coordi | size of are | te (latitude/lo a (parcel) rev ay: Mill Cre Sabine-Necl | riewed, includin | 30° 43' 30° 42' | 07"N, 94 35"N, 94 | ° 43' 16" ° 40' 04" ° 40' 57" | W Site # | | |
| JUI | RISD | ICTION | AL DETE | RMINATIO determination | N | Date: Date(s): | 12/08/04 | | | | |
| | Juri | sdictions | l Determi | ination (JD): | | | | | | | |
| | | Prelimin United S | ary JD - B tates" and | ased on avail | able information | n, [] there ap United States' | opear to be (on the proj | or) there ect site. A pr | appear to be reliminary JI | e no "waters of the D is not appealable | e le |
| | M | | d JD - An I that appl | | is an appealabl | e action (Refe | erence 33 CI | FR part 331). | | | |
| | | | | | of the United S e size of jurisdic | | | | and associat | ted guidance) with | hin |
| | | | | | ited States" (as se of jurisdiction | | | | iated guidan | nce) within the | |
| | | There | e are "isol | lated, non-nate Decision sug Jurisdiction | | ate waters or ANCC/Migrat | wetlands" w tory Bird Ru | ithin the revi le Information | ewed area. on Sheet for | Determination of | No |
| BA | A. | Waters The pres | defined unence of wa | nder 33 CFR aters that are s | RMINATION: part 329 as "n subject to the eb for use to transp | b and flow of | the tide and | or are prese | | r have been used i | in |
| | B. | (1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) Imperior (5) The printerstate (6) The printerstate (5) The printerst | oresence of corresence of corresponding corr | f waters, which commerce, finterstate with fother waters, sloughs, prach could affector could be used fish or shell or could be to of waters oth fa tributary to fiterritorial see | airie potholes, wet interstate comed by interstate lifish are or coulused for industriaterwise defined to a water identicas. | used, or were aters which are interstate wetlete lakes, rive wet meadows, amerce include or foreign trade be taken and ial purposes be as waters of the field in (1) – (a) | e used in the e subject to ands ¹ . rs, streams (playa lakes, ing any such evelers for red sold in into y industries the US. 4) above. | past, or may the ebb and i including int or natural po waters (che- creational or erstate or for- in interstate | elow of the ti ermittent str onds, the use ok all that ap other purpo eign commer commerce. | reams), mudflats, e, degradation or oply): oses. rce. | |
| | | (7) The | presence o | i wetlands ad | jacent to other | waters of the | US, except | tor those wet | lands adjace | ent to other wetlan | nds. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| | | 2 |
|--------|---|--|
| FILE N | NUMBER: D-16401 | |
| La: | ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking | s; vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetla | and delineation map and/or in a delineation report prepared by: |
| Ba | United States: Waste treatment systems, including treatment Artificially irrigated areas, which would reverse Artificial lakes and ponds created by excavaretain water and which are used exclusively rice growing. Artificial reflecting or swimming pools or ot by excavating and/or diking dry land to retain Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water m 328.3(a). Isolated, intrastate wetland with no nexus to | basis of 33 CFR part 328.3(a)(3). nat the following waters present on the site are not Waters of the st ponds or lagoons, pursuant to 33 CFR part 328.3. ert to upland if the irrigation ceased. Iting and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basins, or ther small ornamental bodies of water created in water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for unless and until the construction or excavation operation is neets the definition of waters of the United States found at 33 CFR interstate commerce. The Natural Resources Conservation Service, Explain rationale: |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMI Maps, plans, plots or plat submitted by or on behalf of th This office concurs with the delineation report, of the delineation | of the applicant. e applicant. dated, prepared by (company): report, dated, prepared by (company): |

FEMA/FIRM maps (Map Name & Date): Not Available 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 CIR Other photographs (Date):

U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:

Advanced Identification Wetland maps: Site visit/determination conducted on:

National wetlands inventory maps: State/Local wetland inventory maps:

Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16787

PROJECT LOCATION INFORMATION:

State:

TX Harris

County:

Center coordinates of site (latitude/longitude):

29° 57' 45"N, 95° 15' 00"W (WGS84/NAD83)

Approximate size of area (parcel) reviewed, including uplands: Unknown acres.

Name of nearest waterway: Garners Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 12-08-04

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, Mthere appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Garners Bayou is a surface tributary system and subject to Section 404 of the Clean Water Act, HOWEVER, there is not sufficent plans to indicate if the project will impact the creek or any other waters in the area.

| Lat | ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| & | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Consultatns field data |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16786

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State:

TX

County: Harris

Center coordinates of site (latitude/longitude):

29° 52' 04"N, 95° 38' 51"W (WGS84/NAD83)

Approximate size of area (parcel) reviewed, including uplands: Unknown acres.

Name of nearest waterway: Bairds Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 12-07-04

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\begin{align*} \text{there appear to be (or)} \equiv \text{there appear to be no "waters of the or "waters" of "waters" of the or "waters" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

difference are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Langham Creek is a surface tributary system and subject to SEction 404 of the Clean Water Act, HOWEVER, there is not sufficent plans to indicate if the project will impact the creek or any other waters.

| | al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-------------|--|
| | Itean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| | For Not Asserting Jurisdiction: he reviewed area consists entirely of uplands. Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Ideadquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). He Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| - [] | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA RE | WIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): daps, plans, plots or plat submitted by or on behalf of the applicant. data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Data sheets prepared by (company): Data sheets prepar |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-16118

| PR | OJE Sta | | ATION IN TX | FORMAT | ION: | | |
|------|-------------|--------------------------|-------------------------------|---|------------------------|----------------------------|---|
| | | unty: | Orange | | | | |
| | | | nates of si | te (latitude/l | ongitude | ۵). | 30° 12.22'N, 94° 1.16'W |
| | Ap | proximate | size of are | ea (parcel) re | viewed. | including | guplands: Unknown acres. |
| | Nai | me of near | est waterw | vay: Little Ci | reek | | , uptained. Children acres. |
| | | me of wate | | • | | | |
| ш | RISD | OICTION A | AL DETE | RMINATIO |)N | | |
| ų c. | | | | determination | | \boxtimes | Date: 12-07-04 |
| | | • | Site visit | | | \boxtimes | Date(s): 08-13-03 |
| | T | | l D.4 | | | | |
| | | | | nation (JD) | | | • |
| | Ц | United St | tates" and | ased on avai /or "navigabl part 331). | lable inf le waters | formation, s of the U | there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable |
| | \boxtimes | Approved Check all | d JD – An that apply | approved JE y: |) is an a | ppealable | action (Reference 33 CFR part 331). |
| | | There the review | <i>are</i> "navi ved area. | gable waters Approximat | of the U | United Sta f jurisdicti | tes" (as defined by 33 CFR part 329 and associated guidance) within onal area: |
| | | ☑ <i>There</i> reviewed | are "wate area. App | ers of the Un proximate size | ited Stat ze of jur | es" (as de isdictiona | efined by 33 CFR part 328 and associated guidance) within the l area: |
| | | There | are "isolo | ated, non-na Decision su Jurisdiction | pported | intra-stat by SWAN | e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| BAS | SIS O | F JURISI | DICTION | NAL DETER | MINA | TION: | |
| | | | | | | | vigable waters of the United States": |
| | | The presen | nce of wat | ters that are s | subject t | o the ebb | and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce. |
| | <u>B.</u> | Waters d | efined un | der 33 CFR | part 32 | 28.3(a) as | "waters of the United States": |
| | | (1) The pr | esence of | waters, which | ch are cu | irrently us | sed, or were used in the past, or may be susceptible to use in |
| | | interstate | or foreign | commerce, | includin | g all wate | rs which are subject to the ebb and flow of the tide. |
| | | (2) The pr | esence of | interstate wa | aters inc | luding int | erstate wetlands ¹ . |
| | | sandflats, destructio | wetlands, n of whicl | sloughs, pra h could affec | irie potł t interst | noles, wet ate comm | e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): |
| | | (i) wl | nich are oi | r could be us | ed by in | terstate or | foreign travelers for recreational or other purposes. |
| | | ii) fr | om which | fish or shell | fish are | or could b | be taken and sold in interstate or foreign commerce. |
| | | (4) Impou | vnich are | or could be u | ised for | industrial | purposes by industries in interstate commerce. |
| | X | (+) Impou (5) The pr | numents (esence of | n waters off | erwise d | ridentific | waters of the US. d in (1) – (4) above. |
| | | | | territorial se | | i identifile | a m(1) = (4) abbvc. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary of Tiger Creek with adjacent wetlands.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

| La | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Indicated by: Oil or scum line along shore objects |
|-----|--|
| | the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC **FILE NUMBER:** D-16188/(01)

| | 10100.(01) | | |
|----------------------------|--|--|---|
| St Co Co Ap Na | ate: Texas punty: Montgomery enter coordinates of site (latitude/longi poproximate size of area (parcel) review time of nearest waterway: Carters Slou time of watershed: San Jacinto Riv | tude): ved, includir gh | UTM 15 263900E 3343928N ng uplands: 38.24 acres. |
| | DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) | | Date: 2 December 2004 Date(s): 4 November 2004 |
| Ju | risdictional Determination (JD): | | |
| | Preliminary JD - Based on available | e informatio aters of the | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| \boxtimes | Approved JD – An approved JD is a Check all that apply: | an appealabl | le action (Reference 33 CFR part 331). |
| | There are "navigable waters of the reviewed area. Approximate size | he United S e of jurisdic | tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area: |
| | ☐ There are "waters of the United reviewed area. Approximate size o | States" (as fjurisdiction | defined by 33 CFR part 328 and associated guidance) within the nal area: |
| | There are "isolated, non-navigaDecision suppoJurisdiction. | ble, intra-sta ted by SWA | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| A. | OF JURISDICTIONAL DETERMAN Waters defined under 33 CFR par The presence of waters that are subj the past, or may be susceptible for u | rt 329 as "n ect to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| B. | (1) The presence of waters, which a interstate or foreign commerce, incl (2) The presence of interstate waters (3) The presence of other waters suc sandflats, wetlands, sloughs, prairie destruction of which could affect in (i) which are or could be used to (ii) from which fish or shellfish | re currently uding all was including i th as intrasta potholes, w terstate com by interstate are or could for industri | used, or were used in the past, or may be susceptible to use in sters which are subject to the ebb and flow of the tide. Interstate wetlands. It lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It is the taken and sold in interstate or foreign commerce. It is the taken and sold in interstate commerce. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands neighbor Carters Slough. Carters Slough is Tributary of west Fork San Jacinto River.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

 \boxtimes (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: D-16188/(01)

| La | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) |
|--|---|
| | Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Dil or scum line along shore objects Greshore |
| | changes in the character of soil physical markings/characteristics |
| | destruction of terrestrial vegetation tidal gages shelving other: |
| | other: |
| | Mean High Water Mark indicated by: |
| | ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix, Inc |
| Ba | sis For Not Asserting Jurisdiction: |
| | The reviewed area consists entirely of uplands. |
| d | Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). |
| | The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: |
| | Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328 3 |
| | Artificially irrigated areas, which would revert to upland if the irrigation ceased |
| | Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or |
| | rice growing. |
| | Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. |
| | Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR |
| | 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. |
| | Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | |
| DATA R | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): |
| \boxtimes | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. |
| | This office concurs with the delineation report, dated May 2004, prepared by (company). Entrix, Inc. |
| | This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. |
| | Corps' navigable waters' studies: |
| | U.S. Geological Survey Hydrologic Atlas: |
| Ä | U.S. Geological Survey 7.5 Minute Topographic maps: Tamina U.S. Geological Survey 7.5 Minute Historic quadrangles: |
| (47) | U.S. Geological Survey 15 Minute Historic quadrangles: |
| 12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: |
| | State/Local wetland inventory maps: |
| \boxtimes | FEMA/FIRM maps (Map Name & Date): Digital Harris County |
| | 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Tamina DOQQ |
| | Other photographs (Date): |
| | Advanced Identification Wetland maps: |
| | Site visit/determination conducted on: 4 November 2004 Applicable/supporting case law: |
| d | Other information (please specify): |

^TWetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: I-5020

| St Co Co Aj Na | ate: ounty: enter coordi oproximate | Texas Harris nates of si size of are est waterw | te (latitude/lor a (parcel) revi vay: Galveston Galveston Ba | gitude): ewed, inc Bay | cluding | UTm 15 303275E 3278306N uplands: acres. |
|----------------------------|---|---|--|---|--|---|
| | | | RMINATION determination (s) | N X | | Date: 7 December 2004 Date(s): |
| Ju | risdictiona | l Determi | nation (JD): | | | |
| \boxtimes | United S | tates" and | ased on availa or "navigable part 331). | ble inforn waters of | nation, the Ur | ☑ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable |
| Ó | | d JD – An l that appl | | s an appe | alable | action (Reference 33 CFR part 331). |
| | There | <i>are</i> "navi wed area. | gable waters o Approximate | f the Uni | ted Star | tes" (as defined by 33 CFR part 329 and associated guidance) within onal area: |
| | ☐ <i>There</i> reviewed | are "wate area. App | ers of the Unite proximate size | ed States" of jurisd | ' (as de ictional | efined by 33 CFR part 328 and associated guidance) within the area: |
| | There | are "isolo | ated, non-navi Decision supp Jurisdiction. | gable, into | ra-state SWAN | e waters or wetlands" within the reviewed area. ICC/Migratory Bird Rule Information Sheet for Determination of No. |
| A. | Waters of The prese | lefined un ence of wa | ters that are su | art 329 a bject to th | as "nav ne ebb | rigable waters of the United States": and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce. |
| | (1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) f (iii) (4) Impour (5) The p | resence of or foreign resence of resence of wetlands, on of which hich are o rom which which are undments of resence of | waters, which commerce, in interstate waters solved solved to the could affect recould be used fish or shellfior could be us of waters other | are curre cluding a ers includ uch as in- ie potholo interstate d by inter- sh are or ed for ind wise defi a water id | ently us all wate ling interastate es, wet comme state or could be lustrial ned as | "waters of the United States": ed, or were used in the past, or may be susceptible to use in rs which are subject to the ebb and flow of the tide. erstate wetlands. lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. d in (1) – (4) above. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Area that appears to be wetlands are in close proximety to Galveston Bay.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: I-5020

| L | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: |
|----------------|---|
| • | Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris |
| | changes in the character of soil physical markings/characteristics |
| | destruction of terrestrial vegetation tidal gages other: |
| , | other: |
| [W | 6 · · · · · · · · · · · · · · · · · · · |
| | survey to available datum; physical markings; vegetation lines/changes in vegetation types. |
| 3 | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | sis For Not Asserting Jurisdiction: |
| | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). |
| | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). |
| | The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: |
| | Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. |
| | Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and |
| | retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or |
| | rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created |
| | by excavating and/or diking dry land to retain water for primarily aesthetic reasons. |
| | Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR |
| | 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. |
| | Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain): |
| DAT <u>A</u> F | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): |
| <u></u> | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. |
| ۳ | This office concurs with the delineation report, dated , prepared by (company): |
| 57 | This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. |
| | Corps' navigable waters' studies: |
| | U.S. Geological Survey Hydrologic Atlas: |
| | U.S. Geological Survey 7.5 Minute Topographic maps: 1995 League City U.S. Geological Survey 7.5 Minute Historic quadrangles: |
| | U.S. Geological Survey 15 Minute Historic quadrangles: |
| | USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: |
| | State/Local wetland inventory maps: |
| | FEMA/FIRM maps (Map Name & Date): 6 Movember 1996 Harris County |
| | 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): |
| 員 | Other photographs (Date): |
| | Advanced Identification Wetland maps: Site visit/determination conducted on: 28 Octobero 2004 |
| | Applicable/supporting case law: |
| | Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

| FILE NUMBER: D-1 | 6452 |
|------------------|------|
|------------------|------|

| unty: Har nter coordinates proximate size of me of nearest w | ris s of site (latitude/longitud of area (parcel) reviewed aterway: Halls Bayou | e): , including | UTM 15 274880E 3307469N g uplands: acres. |
|--|--|--|---|
| mpleted: Des | ktop determination | | Date: 1 December 2004 Date(s): |
| risdictional Det | termination (JD): | | |
| United States' | ' and/or "navigable water | formation s of the U | there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable |
| Approved JD Check all that | – An approved JD is an a apply: | ppealable | action (Reference 33 CFR part 331). |
| There are the reviewed a | "navigable waters of the area. Approximate size o | United Sta f jurisdict | ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: |
| There are reviewed area | "waters of the United Sta . Approximate size of ju | tes" (as d | efined by 33 CFR part 328 and associated guidance) within the all area: |
| There are | | | te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| Waters define The presence of | ed under 33 CFR part 3 of waters that are subject | 29 as "na to the ebb | and flow of the tide and/or are presently used, or have been used in |
| (1) The present interstate or for (2) The present (3) The present sandflats, weth destruction of (i) which (ii) from (iii) which (4) Impoundm (5) The present (6) The present interstate or for the present interstate o | ace of waters, which are coreign commerce, including of interstate waters in ace of other waters such a ands, sloughs, prairie powhich could affect inters are or could be used by it which fish or shellfish are heare or could be used for ents of waters otherwise ace of a tributary to a water of territorial seas. | currently using all water cluding in as intrastate tholes, we tate communiterstate of correction of the correction of th | sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, to meadows, playa lakes, or natural ponds, the use, degradation or the erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. |
| | te: Textunty: Harter coordinates proximate size of the presence of the presence of the past, or mater and flats, wetle destruction of the presence of the pres | unty: Harris nter coordinates of site (latitude/longitud proximate size of area (parcel) reviewed me of nearest waterway: Halls Bayou me of watershed: Spring Creek DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331). Approved JD - An approved JD is an a Check all that apply: There are "navigable waters of the the reviewed area. Approximate size of There are "waters of the United Sta reviewed area. Approximate size of ju There are "isolated, non-navigable Decision supported Jurisdiction. DF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use y Waters defined under 33 CFR part 3 (1) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pod destruction of which could affect inters (i) which are or could be used by in (iii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a wate (6) The presence of territorial seas. | inter: Texas unty: Harris inter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including me of nearest waterway: Halls Bayou me of watershed: Spring Creek DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Preliminary JD - Based on available information. United States" and/or "navigable waters of the U (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United State the reviewed area. Approximate size of jurisdict There are "waters of the United States" (as d reviewed area. Approximate size of jurisdictiona There are "isolated, non-navigable, intra-stat Decision supported by SWAl Jurisdiction. DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transpon Waters defined under 33 CFR part 328.3(a) as (1) The presence of waters, which are currently u interstate or foreign commerce, including all wate (2) The presence of interstate waters including in (3) The presence of other waters such as intrastat sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (ii) which are or could be used by interstate o (iii) from which fish or shellfish are or could (iii) which are or could be used for industrial (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identific (6) The presence of territorial seas. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands met definition of neighboring.

FILE NUMBER: D-16452

| L: | Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Humble and Settegast U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: Digital State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): harris County, 1996 & 2000 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District FILE NUMBER: D-16769 & 23616

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29-25-24.47 / 94-56-9.19

Approximate size of area (parcel) reviewed, including uplands: 0.03 acres.

Name of nearest waterway: Moses Lake Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 8 December 2004

Date(s):

Jurisdictional Determination (JD):

| 23 | Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the |
|----|---|
| | United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| | (Reference 33 CFR part 331). |

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres.

Market There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratery Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16769 & 23616

| | Extent of Jurisdiction: (Reference: 33 CFR parts linary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | ## Since 329 and 329 High Tide Line indicated by: | |
|--|---|--|-------------------------|
| | an High Water Mark indicated by: survey to available datum; physical markings; | | |
| Basis Fo The Una Hea The | or Not Asserting Jurisdiction: e reviewed area consists entirely of uplands. able to confirm the presence of waters in 33 CFR p adquarters declined to approve jurisdiction on the b e Corps has made a case-specific determination tha ited States: Waste treatment systems, including treatment Artificially irrigated areas, which would revert Artificial lakes and ponds created by excavatir retain water and which are used exclusively fo rice growing. Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel ur abandoned and the resulting body of water me 328.3(a). Isolated, intrastate wetland with no nexus to in | basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of a ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. Ing and/or diking dry land to collect and for such purposes as stock watering, irrigation, settling basing the small ornamental bodies of water created a water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry landers and until the construction or excavation operation is eets the definition of waters of the United States found at 33. | f the ns, or land for |
| | Non-tidal drainage or irrigation ditches excava Other (explain): | • | uc. |
| Maj Dat Dat Corr U.S U.S U.S U.S Nat Stat Stat Adv. Adv. Adv. Site App | IEWED FOR JURSIDICTIONAL DETERMINATE, plans, plots or plat submitted by or on behalf of the state sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, data sheets prepared by the Corps. This office does not concur with the delineation restates the prepared by the Corps. The sheets prepared by the sheets | of the applicant. e applicant. lated , prepared by (company): report, dated , prepared by (company): os: gles: gles: | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 21772(01)

| rku | State Cour Cent App Nam | e: nty: ter coordi roximate | Texas Offshore, nates of sit size of are est waterw | Texas e (latitude/longitud a (parcel) reviewed ay: OCS Gulf of M Gulf of Mexico | , including | Latitude 28 17' 46.119"; Longitude -94 14' 37.069" guplands: acres. | |
|-----|---|--|--|---|---|--|--|
| JUI | | | | RMINATION determination (s) | | Date: 8 December 2004 Date(s): | |
| | Juri | isdictiona | al Determi | nation (JD): | | | |
| | | United S | | or "navigable wate | | , \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable | |
| | \boxtimes | | ed JD – An Il that appl | • • | appealable | e action (Reference 33 CFR part 331). | |
| | | ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | | |
| | ☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | | | |
| | | Ther | e are "isol | ated, non-navigable Decision supporte Jurisdiction. | e, intra-sta d by SWA | nte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. | |
| BA | A. | Waters The pres | defined un sence of wa | iters that are subjec | 329 as "na t to the ebl | avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce. | |
| | B. ⊠ | (1) The | presence o | f waters, which are | currently i | s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. | |
| | | (2) The (3) The sandflate destruct | presence of presence of s, wetlands ion of which are of which are of which are of the presence | f interstate waters i f other waters such s, sloughs, prairie p ch could affect inter or could be used by | ncluding in as intrasta otholes, we state comi interstate | nterstate wetlands ¹ . te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. | |
| | | (4) Impo (5) The (6) The |) which are oundments presence o presence o | or could be used for of waters otherwise f a tributary to a way f territorial seas. | or industria e defined a ter identif | al purposes by industries in interstate commerce. Is waters of the US. Tied in (1) – (4) above. Waters of the US, except for those wetlands adjacent to other wetlands. | |
| | Rat | ionale fo | r the Basis | s of Jurisdictional | Determin | ation (applies to any boxes checked above). If the jurisdictional | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 21772(01)

| Late | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) |
|-----------|---|
| | Ordinary High Water Mark indicated by: High Tide Line indicated by: |
| | clear, natural line impressed on the bank oil or scum line along shore objects |
| | the presence of litter and debris fine shell or debris deposits (foreshore) |
| | changes in the character of soil physical markings/characteristics |
| | destruction of terrestrial vegetation tidal gages |
| | shelving Shelving Other: Offshore, Texas |
| | other: |
| | |
| U | Mean High Water Mark indicated by: |
| | survey to available datum; physical markings; vegetation lines/changes in vegetation types. |
| a | Watland houndaries as shown on the attached watland delinection man and/on in a delinection remaind hou |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| | |
| Bas | is For Not Asserting Jurisdiction: |
| П | The reviewed area consists entirely of uplands. |
| 百 | Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). |
| 靣 | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). |
| 币 | The Corps has made a case-specific determination that the following waters present on the site are not Waters of the |
| | United States: |
| | Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. |
| | Artificially irrigated areas, which would revert to upland if the irrigation ceased. |
| | Artificial lakes and ponds created by excavating and/or diking dry land to collect and |
| | retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or |
| | rice growing. |
| | Artificial reflecting or swimming pools or other small ornamental bodies of water created |
| | by excavating and/or diking dry land to retain water for primarily aesthetic reasons. |
| | Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for |
| | the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is |
| | abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR |
| | 328.3(a). |
| | Isolated, intrastate wetland with no nexus to interstate commerce. |
| | Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | _ |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Other (explain): |
| | |
| DATAE | DEVIEWED FOR HIDSIDICTIONAL DETERMINATION (montrell shot control) |
| ********* | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): |
| × | Maps, plans, plots or plat submitted by or on behalf of the applicant. |
| U | Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): |
| | This office does not concur with the delineation report, dated , prepared by (company): |
| | Data sheets prepared by the Corps. |
| ⊠ | Corps' navigable waters' studies: |
| 台 | U.S. Geological Survey Hydrologic Atlas: |
| H | U.S. Geological Survey 7.5 Minute Topographic maps: |
| H | U.S. Geological Survey 7.5 Minute Historic quadrangles: |
| H | U.S. Geological Survey 15 Minute Historic quadrangles: |
| 百 | USDA Natural Resources Conservation Service Soil Survey: |
| H | National wetlands inventory maps: |
| H | State/Local wetland inventory maps: |
| H H | FEMA/FIRM maps (Map Name & Date): |
| Ħ | 100-year Floodplain Elevation is: (NGVD) |
| 一片 | Aerial Photographs (Name & Date): |
| Ħ | Other photographs (Date): |
| Ħ | Advanced Identification Wetland maps: |
| 一百 | Site visit/determination conducted on: |
| 百 | Applicable/supporting case law: |
| | Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23565(01) PROJECT LOCATION INFORMATION.

| Stat | | INFORMATION: | | | |
|-------------------|--|---|---|--|--|
| Cer App Nar | ter coordinates proximate size | nzoria s of site (latitude/longitud of area (parcel) reviewed vaterway: San Bernard Ri d: San Bernard Huc: | , including ver | | |
| | npleted: Des | DETERMINATION sktop determination e visit(s) | | Date: 8 December 2004 Date(s): | |
| Jur | isdictional De | etermination (JD): | | | |
| | United States | | | , ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable | |
| \boxtimes | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: | | | | |
| | ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | |
| | ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | |
| | ☐ There are | | | te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No | |
| BASIS (| Waters define The presence | of waters that are subject | 329 as "na t to the ebb | avigable waters of the United States": and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce. | |
| B. ⊠ □ | (1) The prese interstate or f (2) The prese (3) The prese sandflats, we destruction o (i) which (ii) from | ence of waters, which are foreign commerce, includence of interstate waters in ence of other waters such stlands, sloughs, prairie pof which could affect inter h are or could be used by a which fish or shellfish a | currently using all wat neluding in as intrastate tholes, we state committee or could | s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. uterstate wetlands ¹ . te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. ul purposes by industries in interstate commerce. | |
| | (4) Impounds (5) The prese (6) The prese | ments of waters otherwise ence of a tributary to a wa ence of territorial seas. | e defined a ter identifi | s waters of the US. | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

11

FILE NUMBER: 23565(01)

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-------------|---|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| \boxtimes | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Cedar Lane NE U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: Cedar Lane NE State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 19942(01)/028

| PROJE | CT LOCATION IN | FORMATION: | | | | | | | |
|--------------|--|--|---|---|--|--|--|--|--|
| | inty: Offshore | | ماد | Latitude 28 16' 25.974"; Longitude -94 19' 41.762" | | | | | |
| App Nan | proximate size of are | te (latitude/longitudea (parcel) reviewed, vay: OCS Gulf of M Gulf of Mexico | , including | | | | | | |
| | pictional Dete mpleted: Desktop Site visit | determination | | Date: 8 December 2004 Date(s): | | | | | |
| Jur | isdictional Determ | ination (JD): | | | | | | | |
| | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appear (Reference 33 CFR part 331). | | | | | | | | |
| \boxtimes | Approved JD – Ar Check all that app | | appealable | e action (Reference 33 CFR part 331). | | | | | |
| | | rigable waters of the Approximate size of | | ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: | | | | | |
| | | ters of the United Sta oproximate size of ju | | defined by 33 CFR part 328 and associated guidance) within the all area: | | | | | |
| | There are "iso | lated, non-navigable Decision supported Jurisdiction. | <i>e, intra-sta</i> d by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No | | | | | |
| BASIS (| Waters defined u The presence of w | aters that are subject | 329 as "nate to the ebl | avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce. | | | | | |
| B. ⊠ | (1) The presence of | of waters, which are | currently | s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. | | | | | |
| | (2) The presence of (3) The presence of sandflats, wetland destruction of which are (i) which are (ii) from which | of interstate waters in of other waters such is, sloughs, prairie point ich could affect inter or could be used by ch fish or shellfish a | ncluding in as intrasta otholes, we estate comminterstate interstate re or could | nterstate wetlands. te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce. | | | | | |
| | (4) Impoundment (5) The presence (6) The presence | s of waters otherwise of a tributary to a was of territorial seas. | e defined a nter identif | as waters of the US. Tied in (1) – (4) above. Waters of the US, except for those wetlands adjacent to other wetlands. | | | | | |
| Do | tionale for the Ras | is of Inrisdictional | Determin | ation (applies to any boxes checked above). If the jurisdictional | | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 19942(01)/028 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Offshore, Texas shelving other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Ш Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District **FILE NUMBER:** SWG-04-14-052

| PRO |)JE(| CT LOCA | OITA | N INI | FORMATI | ON: | | | |
|--|---------|--|-------------------------------------|-----------------------------------|---|---|--|---|--|
| | Stat | e: | Texa | ıs | | | | | |
| | | inty: | Oran | | | | | | |
| | Cen | ter coordi | nates (| of site | e (latitude/le | ongitude | e): | 30-9-13.5208 / 93-47-44.8697 | |
| | | | | | | | including | uplands: 0.015 acres. | |
| | | | | | ay: Gum Gu | | | | |
| | Nan | ne of wate | rshed: | : | Adams Bay | ou/Sabi | ne River | | |
| JUR | ISD | ICTION | AL DE | ETEF | RMINATIO | ON | | | |
| JURISDICTIONAL DETERMINATION Completed: Desktop determination | | | | | | | \boxtimes | Date: 12-7-04 | |
| | | | | visit(| | | Ħ | Date(s): | |
| | | | Site | V 1511(. | " | | | Zuiv(s). | |
| | Jur | urisdictional Determination (JD): | | | | | | | |
| | | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). | | | | | | | |
| | Ø | Approve Check al | | | |) is an a | ppealable | action (Reference 33 CFR part 331). | |
| | | | | | | | | ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.015 acres. | |
| | | | | | | | | efined by 33 CFR part 328 and associated guidance) within the all area: 0.015 acres. | |
| | | There | are ' | | nted, non-na Decision su Jurisdiction | ipported | intra-stat by SWA | te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No | |
| RAS | is c | F JURIS | DICT | TION | AL DETE | RMINA | TION: | | |
| DAU | A. | Waters | define | d un | der 33 CFI | R part 3 | 29 as "na | vigable waters of the United States": | |
| | | The prese | ence o | f wat | ers that are | subject 1 | to the ebb | and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce. | |
| | В. | Waters | dofina | d un | dar 33 CFI | 2 nart 3 | 28 3(a) as | "waters of the United States": | |
| | ъ. М | (1) The r | resen | ce of | waters whi | ich are c | urrently u | sed, or were used in the past, or may be susceptible to use in | |
| | | interstate | or for | reign | commerce. | includir | ng all wate | ers which are subject to the ebb and flow of the tide. | |
| | m | (2) The r | resen | ce of | interstate w | aters inc | cluding in | terstate wetlands ¹ . | |
| | | (3) The p sandflats destruction | oresend , wetla on of which a | ce of ands, which are or | other water sloughs, pro could affe could be u | s such as airie pot ct interst sed by in | s intrastat holes, we tate comm nterstate o | e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. | |
| | | | trom v | vhich | fish or she | iiiish are | or could | be taken and sold in interstate or foreign commerce. | |
| | _ | | | | | | | l purposes by industries in interstate commerce. | |
| | Н | | | | | | | s waters of the US. ed in (1) – (4) above. | |
| | H | | | | territorial s | | or idelitill | cu iii (1) = (4) above. | |
| | Ы | (7) The p | resen | ce of | wetlands ac | djacent ² | to other w | vaters of the US, except for those wetlands adjacent to other wetlands. | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-04-14-052

| | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: |
|------|--|
| | Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. |
| E | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| B | asis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Other (explain): |
| DATA | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.